

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

VIRGIL BROWN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 04-1025-CV-W-HFS
)	
)	
STEPHEN LARABEE, et al.,)	
)	
Defendant.)	

MEMORANDUM TO COUNSEL

Your July 21 and 22 faxes have been examined. Although I have eliminated Count II it seems that the discovery sought by plaintiff is sound. Whether or not discoverable material can be used in evidence the material does relate to issues of "due care". Arguably there would be admissions by the employer as to the standard of care; perhaps, however, precautions would exceed what may be legally required to avoid negligence. I can see no sound basis for denying discovery.

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

July 25, 2005

Kansas City, Missouri